

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF SOUTH CAROLINA

THE SOUTH CAROLINA STATE CONFERENCE
OF THE NAACP, et al.,

Plaintiffs

v.

No. 3:21-cv-03302-JMC

HENRY D. MCMASTER, in his official capacity as
Governor of South Carolina, et al.,

Defendants

O R D E R

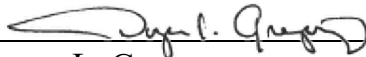
The Honorable J. Michelle Childs has requested appointment of a three-judge district court in the above-captioned case, in which the plaintiffs challenge the South Carolina Legislature’s delay in redistricting after the results of the 2020 census were released, alleging associational harms based on the First and Fourteenth Amendments and citing the risk that a constitutionally appropriate redistricting plan may not be in place before upcoming election deadlines.

A district court of three judges is to be convened “when an action is filed challenging the constitutionality of the apportionment of congressional districts or the apportionment of any statewide legislative body.” 28 U.S.C. § 2284(a). The chief judge of the circuit shall “designate two other judges, at least one of whom shall be a circuit

judge,” to serve as part of a three-judge court to hear and determine the action. 28 U.S.C. § 2284(b)(1).

NOW THEREFORE, I DO HEREBY DESIGNATE AND ASSIGN the Honorable Toby J. Heytens, United States Circuit Judge for the Fourth Circuit, and the Honorable Richard M. Gergel, United States District Judge for the District of South Carolina, to sit with the Honorable J. Michelle Childs, the three to constitute a district court of three judges to hear and determine this matter as provided by 28 U.S.C. § 2284.

This 14th day of December, 2021.

A handwritten signature in black ink, appearing to read "Roger L. Gregory", is written over a horizontal line.

Roger L. Gregory
Chief Judge, U.S. Court of Appeals
for the Fourth Circuit